

TITLE 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS
Notice of Final Action

On _____, the Secretary of Health and Mental Hygiene adopted:

- (1) Amendments to Regulations **.01** and **.04** under **COMAR 10.38.01 General Regulations**;
- (2) Amendments to Regulation **.03** under **COMAR 10.38.06 Foreign-Educated Licensure Requirements**; and
- (3) Amendments to Regulation **.04** under **COMAR 10.38.10 Monetary Penalties**.

This action, which was proposed for adoption in 36:2 Md.R. 142—143 (January 16, 2009) has been adopted as proposed.

Effective Date: *April 6, 2009*

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS

Notice of Proposed Action

[09-046-P]

The Secretary of Health and Mental Hygiene proposes to:

- (1) Amend Regulations .01 and .04 under **COMAR 10.38.01 General Regulations**;
- (2) Amend Regulation .03 under **COMAR 10.38.06 Foreign-Educated Licensure Requirements**; and
- (3) Amend Regulation .04 under **COMAR 10.38.10 Monetary Penalties**.

This action was considered by the Board of Physical Therapy Examiners at a public meeting held July 15, 2008, notice of which was given by publication in 35:14 Md. R. 1319 (July 7, 2008), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to eliminate temporary physical therapy licenses.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@dhhmh.state.md.us, or fax to 410-333-7687. Comments will be accepted through February 17, 2009. A public hearing has not been scheduled.

10.38.01 General Regulations

Authority: Health Occupations Article, §§1-101, 13-101, 13-206, 13-301—13-303, 13-305, 13-306, 13-307, 13-310, 13-311, 13-313, and 13-317,
Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(16) (text unchanged)

[(17) "Replacement license" means a license issued by the Board to replace the temporary license of the holder.]

[(18)] (17)—[(21)] (20) (text unchanged)

[(22) "Temporary license" means a license issued by the Board to practice physical therapy or limited physical therapy for a specified period of time.]

[(23)] (21)—[(25)] (23) (text unchanged)

.04 Issuance of Licenses.

[A. Temporary License.

(1) The Board shall issue a temporary license to an applicant who has met the requirements for licensure under Regulation .02A, B, or C except for receipt of the examination scores.

(2) Unless the Board makes a prior determination regarding a temporary license, the temporary license expires 90 days after issuance.

(3) If the holder of a temporary license applies for a license by examination but does not report to take the examination when scheduled, the temporary license expires on the date of the scheduled examination.

(4) If the holder of a temporary license fails the national licensing examination, the temporary license expires.]

[B. License.]

[(1)] A. (text unchanged)

[(2)] B. (text unchanged)

[(a)] (1)—[(d)] (4) (text unchanged)

[(3)] C. (text unchanged)

[(a)] (1)—[(c)] (3) (text unchanged)

10.38.06 Foreign-Educated Licensure Requirements

Authority: Health Occupations Article, §§13-206, 13-207, 13-301—13-303, 13-305—13-307, 13-311, and 13-313,
Annotated Code of Maryland

.03 Issuance of Licenses.

[A. Temporary License.

(1) The Board shall issue a temporary license to an applicant who has met the requirements for licensure under Regulation .01A or B of this chapter except for receipt of the examination scores.

(2) Unless the Board makes a prior determination regarding a temporary license, each temporary license expires 90 days after issuance.

(3) If the holder of a temporary license applies to take the examination but does not report to take the examination when scheduled, the temporary license expires on the date of the examination.

(4) If the holder of a temporary license fails the national licensing examination, the temporary license expires.]

[B. Physical Therapist License.]

[(1)] A. (text unchanged)

[(2)] B. (text unchanged)

[(a)] (1)—[(d)] (4) (text unchanged)

[(3)] C. (text unchanged)

[(a)] (1)—[(c)] (3) (text unchanged)

10.38.10 Monetary Penalties

Authority: Health Occupations Article, §§13-316 and 13-407.1,
Annotated Code of Maryland

.04 Imposition of a Penalty on a Licensee.

A.—B. (text unchanged)

C. The Board may impose a penalty of not less than \$500 or more than \$5,000 on a licensee if the licensee is found guilty of any of the following:

(1) Fraudulently or deceptively obtains or attempts to obtain a license [, temporary license,] or restricted license for the applicant, licensee, holder, or for another;

(2) Fraudulently or deceptively uses a license [, temporary license,] or restricted license;

(3)—(22) (text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene
